

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

CASE NO.: 1:23-cv-22670-MD

WANDA JEAN-BAPTISTE,

Plaintiff,

vs.

CITY OF MIAMI,

Defendant.

**MOTION TO STRIKE UNTIMELY RULE 26 DISCLOSURES AND TO
EXCLUDE WITNESSES FROM TRIAL**

Plaintiff WANDA JEAN BAPTISTE (“JEAN BAPTISTE”), by and through undersigned Counsel, files this Motion to Strike the City’s Untimely Rule 26 Disclosures and to exclude witness from trial and states as follows:

1. This case is set for trial on May 20th, 2024.
2. The City filed its Motion for Summary Judgment on April 1st, 2024.
3. On April 24th, 2024, the City filed Amended Rule 26 disclosures, after the discovery cut off and almost one month after moving for Summary Judgment. The City disclosed the names of: Sergeant Sherley Auguste, Chief Chiquita Butler, Commander Conrad Chin-Quee, Officer Harold Cummings, and Major Daniel Garrido.
4. The City was required to disclose the names of these witnesses or potential witnesses in their initial disclosures last year, and most certainly well in advance of the discovery cut off and the City filing their motion for summary

judgment.

5. The prejudice against the Plaintiff is substantial.
6. The City was conferred with and does oppose this Motion.

WHEREFORE, it is requested that this Court Strike the City's Amended Rule 26 disclosures filed on April 24th, 2024, and to exclude the testimony of these witnesses at trial.

Respectfully submitted,

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By: /s/ Stephan Lopez
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the above and foregoing response was e-filed via the Federal CM/ECF system and copies furnished electronically to all parties of record on this 6th day of May 2024.

By: S/ Michael A. Pizzi, Jr.
MICHAEL A. PIZZI, JR., ESQ.